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IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO AND OAKLAND DIVISION

THOMAS FERNANDEZ, LORA SMITH, and  
 TOSHA THOMAS, individually and on behalf  
 of a class of all other persons similarly situated,

Plaintiffs,

vs.

K-M INDUSTRIES HOLDING CO., INC.;  
 K-M INDUSTRIES HOLDING CO., INC.  
 ESOP PLAN COMMITTEE; WILLIAM E.  
 AND DESIREE B. MOORE REVOCABLE  
 TRUST; TRUSTEES OF THE WILLIAM E.  
 AND DESIREE B. MOORE REVOCABLE  
 TRUST; CIG ESOP PLAN COMMITTEE;  
 NORTH STAR TRUST COMPANY;  
 DESIREE B. MOORE REVOCABLE TRUST;  
 WILLIAM E. MOORE MARITAL TRUST;  
 WILLIAM E. MOORE GENERATION-  
 SKIPPING TRUST; and DESIREE MOORE,  
 BOTH IN HER INDIVIDUAL CAPACITY  
 AND AS TRUSTEE OF THE WILLIAM E.  
 AND DESIREE B. MOORE REVOCABLE  
 TRUST'S SUCCESSOR TRUSTS NAMED  
 ABOVE,

Defendants.

Case No. C-06-07339 CW

**DECLARATION OF KIRSTEN G.  
 SCOTT IN SUPPORT OF PLAINTIFFS'  
 ADMINISTRATIVE MOTION TO FILE  
 DOCUMENTS UNDER SEAL**

**CIVIL LOCAL RULE 79-5**

I, Kirsten Scott, declare as follows:

DECLARATION IN SUPPORT OF ADMINISTRATIVE MOTION TO FILE DOCUMENTS UNDER SEAL  
 [Case No. C-06-07339 CW ]

1           1.     I am a member in good standing of the State Bar of California and an attorney  
2 with Lewis, Feinberg, Lee, Renaker & Jackson, P.C., which is counsel for Plaintiffs in this  
3 action. I have personal knowledge of the facts contained in this declaration and, if called to  
4 testify, will testify as set forth below.

5           2.     In the course of discovery, Defendants have designated the following documents  
6 as confidential:

- 7           a.     Page bates stamped MK001590 (portion of Exhibit 2 to Plaintiffs' Motion  
8 for Class Certification)
- 9           b.     Pages 249-250 of Cristiano Deposition (Exhibit 3 to Plaintiffs' Motion for  
10 Class Certification)
- 11          c.     Page 104 of Menke Deposition (Exhibit 4 to Plaintiffs' Motion for Class  
12 Certification)
- 13          d.     Pages bates stamped KMH000452-KMH000456 (Exhibit 5 to Plaintiffs'  
14 Motion for Class Certification)
- 15          e.     Page bates stamped CIG004588 (Exhibit 7 to Plaintiffs' Motion for Class  
16 Certification)
- 17          f.     Page 28 of Cazzolla Deposition (Exhibit 8 to Plaintiffs' Motion for Class  
18 Certification)
- 19          g.     Page bates stamped CIG001871 (portion of Exhibit 9 to Plaintiffs' Motion  
20 for Class Certification)
- 21          h.     Pages bates stamped MT000543-MT000551 (Exhibit 12 to Plaintiffs'  
22 Motion for Class Certification)
- 23          i.     Pages bates stamped KMH010822-KMH010824, KMH010826,  
24 KMH010830, KMH010832 (portions of Exhibit 15 to Plaintiffs' Motion  
25 for Class Certification)

26           3.     Because Defendants have marked the above-listed documents (or portions of  
27 documents) as confidential, these documents (or portions of documents) have been redacted and  
28 are being filed with the Court under seal.

1  
2 I declare under penalty of perjury that the foregoing is true and correct. Executed on May  
3 29, 2008 at Oakland, California.

4 /s/  
5 Kirsten Scott  
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